

IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

MOUNTAIN VALLEY PIPELINE, LLC,

Plaintiff,

V.

Case No. 7:17cv492-EKD

EASEMENTS TO CONSTRUCT, OPERATE,  
AND MAINTAIN A NATURAL GAS  
PIPELINE OVER TRACTS OF LAND IN  
GILES COUNTY, CRAIG COUNTY,  
MONTGOMERY COUNTY, ROANOKE  
COUNTY, FRANKLIN COUNTY, AND  
PITTSYLVANIA COUNTY, VIRGINIA,  
*et al.*,

Defendants.

MOTION FOR ORDER COMPELLING PRODUCTION BY KAY LEIGH FERGUSON

Pursuant to Rule 45(d)(2)(B), plaintiff Mountain Valley Pipeline, LLC (“MVP”), by counsel, for its motion for an order compelling production by Kay Leigh Ferguson, states as follows:

1. On August 11, 2021, protestors on the John Coles Terry property, VA-RO-045, recklessly endangered themselves and pipeline workers by refusing to move a safe distance from loaded explosives. When asked to move, one of the protestors, Theresa Ellen “Red” Terry, began smoking cigarettes and flipping the butts onto the right of way in the direction of the explosives. Because the protestors would not move, the workers were not able to detonate the explosives until late that evening after the protestors left.

2. MVP has filed a Motion to Enforce Injunction to Prohibit Interference with Blasting, Dkt. No. 1486. MVP has also served subpoenas for documents designed to collect evidence as to the events. Dkt. No. 1487.

3. MVP issued one of the subpoenas to Kay Leigh Ferguson. Dkt. No. 1487-2. Ferguson was one of the protestors on the site. Ferguson also solicited others to come to the Terry property and prevent work.

4. In response to the subpoena, Ferguson objected to producing any documents. See letter dated September 5, 2021, attached as Exhibit 1. MVP served a response asking Ferguson to withdraw her objections and produce the documents. See letter dated September 7, 2021, attached as Exhibit 2. To date, Ferguson has not agreed to produce any of the documents.

5. The subpoena to Ferguson is appropriately designed to seek relevant information on the events on August 11, 2021, and violations of the Court's Order Granting Immediate Possession. Dkt. No. 592.

6. MVP seeks an order compelling Ferguson to produce all the documents described in the subpoena by the return date, September 17, 2021.

WHEREFORE, MVP moves the Court for an order compelling production and for such other relief as the Court deems appropriate.

MOUNTAIN VALLEY PIPELINE, LLC

By Counsel

Wade W. Massie  
VSB. No. 16616  
Seth M. Land  
VSB. No. 75101  
PENN, STUART & ESKRIDGE  
P. O. Box 2288  
Abingdon, VA 24212  
Telephone: 276-628-5151  
Facsimile: 276-628-5621  
[wmassie@pennstuart.com](mailto:wmassie@pennstuart.com)

By /s/ Wade W. Massie  
Wade W. Massie

CERTIFICATE OF SERVICE

I hereby certify that, on this 14th day of September, 2021, the foregoing document was electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to counsel of record. I further certify that I have mailed and emailed a copy of this motion to Cerid E. Lugar, Esq., Lugar Law, 7533 Williamson Road, Roanoke, VA 24019.

/s/ Wade W. Massie  
Wade W. Massie